

REMARKS:

Claims 30-34 are in the case and presented for reconsideration.

Rejection Under 35 USC § 103(a)

Claims 30-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,897,797 to Drouillard et al. ("Drouillard") in view of U.S. Patent 5,932,119 to Kaplan et al. ("Kaplan"). The reasons for the rejection are stated on pages 2-3 of the Office Action dated August 21, 2007. The Applicant respectfully traverses the rejection and requests reconsideration in view of the remarks that follow. Specifically, the Applicant maintains that the Examiner has not demonstrated a *prima facie* case of obviousness by:

- (A) failing to show how each of the claimed elements is found within the scope and the content of analogous prior art references;
- (B) failing to provide adequate rationale for combining the references cited against the Application;
- (C) failing to show how one ordinarily skilled in the art would have recognized the combination without the benefit of hindsight; and,
- (D) by failing to consider the claimed invention and cited references as a whole when applying the rejection.

The Applicants also advance certain secondary considerations in support of their rebuttal

against the latest Examiner's rejections, primarily that the technology presented has addressed a long-felt need in the industry, has been copied by others and has resulted in commercial success for its inventor and assignees.

(A) The Examiner has failed to show how each of the claimed elements is found within the scope and the content of analogous prior art references.

To establish a prima facie case of obviousness, three basic criteria must be met:

- (1) each of the claimed elements is found within the scope and content of the prior art;
- (2) one of ordinary skill in the art could have combined the elements as claimed by methods known at the time the invention was made; and,
- (3) one of ordinary skill in the art would have recognized at the time the invention was made that the capabilities or functions of the combination were predictable.

See Board of Patent Appeals and Interferences (BPAI) precedential opinion Ex Parte Smith 07-1925 (June 25, 2007) at 18.

To rely on a reference under 35 U.S.C. § 103, it must be analogous prior art. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." In re Oetiker,

977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also, State Contracting & Eng'g Corp. v. Condotte America, Inc., 346 F.3d 1057, 1069, 68 USPQ2d 1481, 1490 (Fed. Cir. 2003)

The proposed modification cannot render the prior art unsatisfactory for its intended purpose. If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)

The proposed modification cannot change the principle of operation of a reference. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)

In the Background of the Invention, Drouillard describe their invention as an "apparatus and method" to "mark" products, for example, fruits and vegetables with identification marks, using initially "ink-free" techniques, varying from "laser rays" to "point matrix printers", in order to allow a cheaper option, inventory-free, quick-change for packers in the substitution of adhesive labeling systems, juice screens and exhibition containers. They also specifically mention the Greengrocer Wholesale Association requirement for a standardized price identification number toward which the Douillard invention is directed (see col. 1, lines 9-19).

Drouillard mentions among its objectives, "marking" products using "laser energy" to "cauterize" the skin of the product without damaging the "skin" of the product to an "extent that would produce spoilage" or cause the "appearance of a product unacceptable to the purchaser" (see col.3, lines 6-14)

Another objective of Drouillard is to provide a product "marking" system that is "flexible, reliable and efficient", using a "printer head" found in "point matrix printers" to "etch the skin of the product" with an "identification mark", also ink-free (see col. 3, lines 16-23).

Drouillard describe the embodiments of their invention as being characterized by:

1. the use of a laser to emit a high-intensity light beam to cauterize the skin of the product to form the identification mark;
2. the use of a printer head found in a point matrix, the pins of the printer head being at a high temperature due to friction or with a separate heating source directly contacting the product skin to form the identification mark;
3. a thermal conducting tape is placed between the printer head and the product, with the pins of the printer head impacting the tape forming a heating point on the tape which cauterizes the product skin to form the identification mark (see col. 3, lines 24-42).

The Drouillard reference claims:

- "the product marking system of claim 3, where the said laser light beam desiccates the said product skin in contact with it" (claim 4);
- "desiccating the product skin – fruit or vegetable" (claims 9 and 11);
- limit the action field of the laser, in view of the features of the skin of the fruit or vegetable, resulting from the sensibility and fragility of these products (claims 6 and 8);
- "cleaning structure to pass a coloring agent over the said identification mark to additionally improve the visibility of the said identification mark" (Claim 13);
- "coloring agent is a food colorant" (claim 14); and,
- that the laser head is "aligned with the said opening and providing additionally a "flow of air" over the said laser head to keep away particles when the said product is cauterized by laser" (claims 16 and 17).

Summarizing the disclosure in Drouillard, the reference teaches allowing the removal the skins of food products, particularly fish, potatoes and tomatoes, without jeopardizing the meat body of the product.

The technical solution taught by the Applicant, distinct from Drouillard, is the novel concept of a totally efficient laser to implement a simultaneous or independent "marking" or "engraving" process in "high" or "low" relief, in meat products. The present solution of the Applicant is not characterized by the function of cauterizing the product skin, and so it is not applicable to fruits or vegetables, as it will unacceptably damage the meat body of such

produce. Supporting this distinction are the limitations discussed in Drouillard that are clearly distinct from the present Application (see col. 7, lines 47-55):

"When using the laser 28, the depth of the mark 26 can be adjusted to any desired depth. Thus, the meat of the piece of produce 24, i.e. the portion of the produce 24 underneath the skin cell, need never be subjected to the laser light beam 30. Furthermore, when it is desired to use the laser 28 to etch the skin 22 of the produce 24, the heat generated by the laser light beam 30 cauterizes the affected area around the mark 26 and thus, decay, disease and fungus are not invited since the meat of the produce 24 is not exposed to oxygen."

It is clear from the limitations of the Drouillard reference that it is not analogous to that which is disclosed by the Applicant. The final products are different, consisting of specific and totally different features (fruits/ vegetables = Drouillard in relation to meat/ meat bodies = José Barbosa). The Drouillard reference is limited to equipment that realizes "marking", not "engraving" such as found in the present Application. This distinction is made clear in that Drouillard does not inherently or expressly teach the claim element of "high or low-relief selective" in claim 30 of the present Application.

Considering that Drouillard et al's patent foresees the application of laser in different powers, it can be observed that for some fruits there was a higher degree of difficulty to realize the process especially with potatoes, pineapples and oranges (see col. 7, lines 47-55). This difficulty would not be encountered in the application of the present product as it teaches "engraving" as opposed to "cauterizing" were the meat body is "sculpted" internally and the corresponding equipment allows the application of "high" and "low" relief. If Drouillard were truly an analogous reference, it would not acknowledge the limitations of its

application to certain fruits as discussed above.

Further distinguishing the Application from Drouillard is the fact that the result obtained by the Applicant's disclosed method results in an engraving that endures in the meat body until its final consumption. The permanence of the method taught by the present Application stands in sharp contrast to the temporary, superficial and ink-less process taught in Drouillard that serves its purpose at the point of sale rather than at the point of consumption.

Modifying Drouillard reference from its intended purpose of marking fruits and vegetables for inventory and sales purposes to one of etching the body of the fruit for the purpose of enforcing public safety and trademark protection would render Drouillard unsatisfactory for its intended purpose, as doing so would result in the very damage and spoliation of the produce it teaches against. For these reasons, and for those stated above, the reference when taken alone or in combination with Kaplan is both not analogous to the present Application and not sufficient to render the Applicant's claims *prima facie* obvious.

The Kaplan reference is also not analogous to the subject matter of the present Application. Kaplan specifically limits its application of surface lasers to the depth of the inscription at micron intervals as it relates to a microenscribing system. Such dimensions are impracticable for the Applicant considering that his equipment realizes "engravings" of depth orders of magnitude above the micron level.

The fact that Kaplan is not analogous art, and therefore, not an appropriate reference for establishing a prima facie case against the present Application is found in the section of Kaplan entitled "FONT AND SYMBOL CAPABILITIES" (col. 20, lines 1-53). This section describes the limitation of the Kaplan disclosure requiring that the laser be configured so that it does not realize the process of engraving in high or low relief, a requirement of the present Application. Language to this effect includes: "in case the power of the laser exceeds the adjusted limits, the system will stop working and will issue a warning, ensuring that no damage is caused to the diamond or to the part" (col. 20, lines 34-37). Similarly, the Kaplan limitation requiring a limited type of computer distinguishes the Kaplan patent from the Applicant's equipment to an extent that the two concern unrelated and non analogous arts.

In view of the cited references in the Examiner's rejection, any risk of conflict or similarity are eliminated, because the technical instruction, functioning and objectives are totally different from the patent of the Applicant, that is, there is a total absence of similarity or identity of inventive activity, novelty and industrial application between such patents. These references are not analogous art to the Application and cannot be used to make a prima facie case against the Applicant.

Each of the claimed elements were not found within the scope and content of the prior art, specifically with respect to the language "selectively applicable in low and high relief" and recognizable by "touch" in claim 30. As discussed above, the Drouillard reference would not be able to impart these qualities to the produce it was directed to nor was that it's objective.

The proposed modification to Drouillard to encompass the concept of etching as opposed to cauterizing would render the Drouillard unsatisfactory for its intended purpose, and therefore not suitable as a basis for making a prior art obviousness rejection against the Applicant. Such a proposed modification to cover the language of claim 30 of the present application: "selectively applicable in low and high relief" and recognizable by "touch" would change the principle of operation of the prior art invention being modified. Therefore, the teachings of the references are not sufficient to render the Applicant's claims *prima facie* obvious.

Regarding the distinction between the cited references and the Application.

Office policy is to follow *Graham v. John Deere Co.* in the consideration and determination of obviousness under 35 U.S.C. 103. As quoted above, the four factual inquiries enunciated therein as a background for determining obviousness are as follows:

- (A) Determining the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;
- (C) Resolving the level of ordinary skill in the pertinent art; and,
- (D) Evaluating evidence of secondary considerations.

In his latest rejection, the Examiner has failed to ascertain the differences between the prior art and the claims in issue. For example:

1. The Application foresees an apparatus with the capacity to realize the process of "marking" OR "engraving".
2. Drouillard only teaches the capacity of "marking" (see abstract, background and summary of the invention)
3. Drouillard and Kaplan, do not disclose a process to identify all the features of the "meat body", of the type: size, thickness, temperature, fat volume, volume/quantity of water, malleability, capacity of protein and vitamin content, freezing state or not, texture, quantity and size of internal bones, its pH, its color, the quantity of fibers or existent fat strings in the internal body, including microfibers and its internal dimensions and depth, width and/or height, including its weight (compare with claim 30 of Application).
4. Also not defined in the cited references, is the capacity of the marking apparatus to provide, after identifying "the set" of features of the meat body, the regulation and identification of the type of process it will realize, that is, "the marking" or "the engraving", since the application of one process does not foresee the application of the other. The marking of Drouillard is characterized by the "act of exposing" a feature of "superficial" form on the meat body, exclusively on the "external" face reaching only the "external skin of the meat" or at the most the "meat cover". Engraving, on the other hand, is characterized by "opening,

sculpting" a space in the meat body to register information, which can occur from the "cover" of the product, that is, not only on the "skin", but reaching an extensive depth of the meat body.

A "mark" is defined in the Merriam-Webster dictionary as:

sign, indication <gave her the necklace as a *mark* of his esteem> (2); an impression (as a scratch, scar, or stain) made on something (3); a distinguishing trait or quality : characteristic <the *marks* of an educated person> b: a symbol used for identification or indication of ownership c: a cross made in place of a signature.

Whereas, the word "engrave" is defined as:

to impress deeply as if with a graver <the incident was *engraved* in his memory> b: to form by incision (as on wood or metal) 2a: to cut figures, letters, or designs on for printing; also : to print from an engraved plate <an *engraved* invitation>

Given the ordinary and plain meaning of the phrase "low and high relief" of claim 30 of the Application, it is clear that the distinction between marking and engraving is an important one, as the language of the claim, even when given its broadest possible construction, cannot encompass the concept of marking as the Examiner is arguing in his Obviousness rejection.

5. Another distinguishing element of the claim language is that the present Application teaches a process and apparatus that is capable of BOTH:

"marking" and "engraving". In the embodiments presented by the Applicant, "marking" is always carried out in "high relief". The process of "engraving", realized by the same equipment, consists of "opening, sculpting" a space in the meat body to register information to be exposed, and can occur from the "cover" that is, "external face of the meat" as well as and especially reach ample depth in the meat body, without disintegrating it, so that through an advanced technique, it allows that the identification features are not excluded from the meat body, and can be identified even after preparation and ingestion by the final consumer. The "engraving" is always realized in "low relief". This capacity to realize the "engraving" in "low" or "high" relief, features that are not revealed in any of the mentioned priorities, is part of the disclosure of the Applicant's sophisticated system of "quality and origin seal" not yet produced in any meat product. It is worth noting that marking is distinguishable from the "low relief" aspect of engraving, even when the Applicant's process is applied to the internal depths of the meat, resulting in a sign that would be detectable only through laboratory analysis

6. Products with a simple marking process are recognized only by the naked eye and are disintegrated during preparation for consumption. The result obtained by the engraving process realized by this equipment, does not disintegrate even when the product is prepared for consumption. This holds true even in the instances of small meat proportions and dimensions, as in the case of ground meat. This broad applicable is yet

an additional feature disclosed and claimed in the present Application and not identified in the mentioned priorities.

7. The apparatus of the present application is capable of producing engravings or markings in low or high relief and capable of identifying a set of features of a given meat body and adapting its process accordingly. These aspects, when considered as a whole, characterize an apparatus without precedent in the prior art and not disclosed in either Drouillard or Kaplan.

(B) The Examiner has failed to provide adequate rationale for combining the references cited against the Application.

35 U.S.C. 103 authorizes a rejection where, to meet the claim, it is necessary to modify a single reference or to combine it with one or more other references. After indicating that the rejection is under 35 U.S.C. 103, the examiner should set forth in the Office action:

1. the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,
2. the difference or differences in the claim over the applied reference(s),
3. the proposed modification of the applied reference(s) necessary to arrive at

the claimed subject matter, and

4. an explanation as to why the claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made.

The Examiner must properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply.

Rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See In re Kahn, 441 F.3d 977, 989, 78 USPQ2d 1329, 1338 (Fed. Cir. 2006):

The United States Supreme Court in KSR International Co. v. Teleflex Inc., 127 S. Ct. 1727, 1742, 82 USPQ2d 1385, 1397 (2007) provided an nonexclusive list of seven (7) rationales for combining references:

1. Combining prior art elements according to known methods to yield predictable results.
2. Simple substitution of one known element for another to obtain predictable results.
3. Use of known technique to improve similar devices (methods or products) in the same way.
4. Applying a known technique to a known device (methods or products) ready for improvement to yield predictable results.

5. (I predict this one will be examiner's favorite) Obvious to try - choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success.

6. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

7. TSM - Some teaching, suggestion or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or the combine prior art reference teachings to arrive at the claimed invention.

When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to:

(A) The claimed invention must be considered as a whole;

(B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;

(C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and

(D) Reasonable expectation of success is the standard with which obviousness is determined.

Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).

In view of the reasons articulated below, the Applicant's respectfully traverse the Examiner's rejection because it failed to articulate a rationale for combining the cited references in sufficient detail to assist the Applicant in assessing the rejection and prepare

a reply.

The sole rationale provided by the Examiner in his reply was that the combination would have been obvious to one ordinarily skilled in the art because "it automates old manual sensing and measuring of workpiece data" (see page 2 of August 21, 2007 Office Action). This rationale does not fit into any of the rationales recognized by the Supreme Court and issued as guidance by the Commissioner for Patents. The suggestion is not combining prior art elements according to known methods to yield predictable results as neither Drouillard or Kaplan, when viewed as a whole, predictably yield the result disclosed in the present Application – that is, the engraving of meat stuffs and the like. The proposed combination is not a substitution of one known element for another to obtain predictable results. The Examiner seems to suggest that the combination of the references is the use of known technique to improve similar devices (methods or products) in the same way. However, as the Applicant's have already argued above, the cited references are not analogous to the present Application and therefore, it would be error to consider Drouillard or Kaplan to be devices that are similar to that of the Applicant's. The Applicant's device is unknown (unanticipated) in the prior art as acknowledged by the Examiner (and the impetus for combining references). Therefore, applying a known technique to a known device (methods or products) ready for improvement to yield predictable results is not an applicable rationale in the present case. There are many solutions available, each which may be subtly or dramatically varied in their own way with a reasonable expectation of success. Therefore, an "obvious to try" argument to combine the references cited is inapposite. The Examiner's rejection has not referenced any design incentives or other market forces for suggesting the combination nor has the Examiner showed how the

references provide a teaching, suggestion or motivation that would have led one of ordinary skill to modify the prior art reference or the combine prior art reference teachings to arrive at the claimed invention.

As the Examiner has failed to examine the Application and the cited references as a whole, and failed to articulate a rationale sufficient to allow the Applicant a fair opportunity to respond to the rejection, it is respectfully requested that the Examiner withdraw the rejection as made in the previous Office Action.

(C) The Examiner has failed to show how one ordinarily skilled in the art would have recognized the combination without the benefit of hindsight.

Factors that may be considered in determining level of ordinary skill in the art include:

- (1) the educational level of the inventor;
- (2) type of problems encountered in the art;
- (3) prior art solutions to those problems;
- (4) rapidity with which innovations are made;
- (5) sophistication of the technology; and,
- (6) educational level of active workers in the field.

See Environmental Designs, Ltd. v. Union Oil Co., 713 F.2d 693, 696, 218 USPQ 865, 868 (Fed. Cir. 1983), cert. denied, 464 U.S. 1043 (1984).

The types of problems encountered in the arts relevant to Drouillard and Kaplan, as well as the solutions proffered in these arts are wholly different from those before the Applicant for reasons discussed above and incorporated by reference herein. As such, the Examiner has not shown how one ordinarily skilled in the art in the Applicant's technical field would have deemed it obvious to combine technologies and solutions in unrelated field. The fact that the two fields are technically separate in addressing different problems and affecting separate solutions has been generally discussed above. Specifically, the ordinary and preferential skills applied by the Applicant that are different from those found in the technical fields of the prior art references include:

- (1) equipment/apparatus that foresees the realization of "marking" or "engraving", independently or simultaneously, exclusively in meats;
- (2) equipment/apparatus that applies the process identified in the above item, through "high" or "low" relief, depending on the features of the meat body, in relation to its physical structure, consistency, texture, quantity and size of internal bones, capacity of protein and vitamin content, freezing state or not, temperature, malleability, volume and quantity of nerves and fat, size and purpose;
- (3) an equipment that contains a PLC (programmable logic controller) with exclusive devices to identify the meat body, its state (raw or semi-raw) and its features described in item 2 above;

- (4) an equipment containing the PLC (programmable logic controller) capable of identifying meat bodies, in relation to their bovine, swine, ovine, caprine, poultry, fish origin, including their physical, anatomical and organoleptic aspects;
- (5) equipment to realize the functions identified in items 1, 2, 3 and 4, containing a laser device, which after having identified the meat body and its features allows issuing a signal of the process it is going to apply (realized by the PLC), to realize the marking or engraving, in low or high relief, which degree of laser is applied according to the meat type and the type of process it will receive, without any kind of ink-type or adhesive accessory to locate the signal;
- (6) equipment to realize the functions indicated in the previous items, characterized by the fact that, depending on the features of the meat body, it will be "engraved" in high or low relief, crossing and elongating in the internal meat body, overcoming the fat and fiber plates which melt during preparation, with the engraved signal in high or low relief remaining in the meat even after preparation for human consumption, being capable of identification at any moment;
- (7) equipment containing the PLC (programmable logic controller), which controls the emission of laser rays depending on the features obtained from

the meat body.

- (8) equipment that apart from the laser, contains a device that produces calories with the capacity to realize marking and engraving in high or low relief, depending on the features of the meat body which will receive the process, capable also of reaching long internal depth of the meat body if the process identified is of engraving, not decomposing the meat body;
- (9) equipment/apparatus that realizes the marking or engraving, capable of producing the quantum described in previous items, in meat bodies of any size, thickness, depth, raw or semi-raw state, and including in small pieces or even ground; and,
- (10) equipment/apparatus that realizes the marking or engraving in high or low relief, in meat bodies, neither changing the state of the meat nor decomposing it, even if the marking is made in low relief and reaching a long internal depth of the meat, maintaining the signs until final consumption of the product.

Given these many distinctions and differences in the technologies it is clear that the problems addressed and solutions presented by those ordinarily skilled in the Applicant's technical field are different from those faced by the ordinarily skilled in the technical fields relevant for the prior art references cited. As such, the Examiner has failed to show how one ordinarily skilled in this (the Applicant's) art would have recognized the suggested

combination without the benefit of hindsight.

(D) The Examiner has failed to consider the claimed invention and cited references as a whole when applying the rejection.

In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983).

A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)

Distilling an invention down to the "gist" or "thrust" of an invention disregards the requirement of analyzing the subject matter "as a whole." W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)

The Examiner has failed to consider the Application and the cited references as a whole in making his rejection, but rather has taken elements from Drouillard and Kaplan and combined them against the Applicant without regard to the technologies involved, the solutions offered, the problems solved and disregarding that Drouillard teaches away from

the technology disclosed in the present case. As argued above, the language “selectively applicable in low and high relief” and recognizable by “touch” in claim 30 of the Application speaks to engraving as opposed to cauterizing, serving the function to permanently alter the meat body of the product as opposed to labeling the skin of produce. Further these engravings are made with the purpose of being visible to the human eye and discernable to touch. In both respects, the key elements disclosed in the present application differ in problems they are meant to address and the solutions they propose. In fact, the solution proposed is opposite of that taught by Drouillard. The Applicant respectfully suggests that, when considered as a whole and in detail (as opposed to the “thrust” of the disclosures), the two references cited by the Examiner do not support a *prima facie* case of obviousness against the present Application.

Claim 30 is therefore believed to recite patentable subject matter, and allowance claim 30 is respectfully requested. Claims 31-34 depend from claim 30 and are also allowable for the same reasons given above for claim 30.

Dependent claims 31-34 further define the invention in a manner which is believed to even better distinguish the claimed invention over the prior art so that allowance of these claims is also respectfully requested for at least this reason.

The Applicant has endeavored to make the foregoing response sufficiently complete to permit prompt, favorable action on the subject patent application. In the event that the Examiner believes, after consideration of this response, that the prosecution of the subject patent application would be expedited by an interview with an authorized representative of the Applicant; the Examiner is invited to contact the undersigned at (845) 359-7700.

Favorable action is respectfully requested.

Respectfully submitted,

/Marcus A. Streips/
MARCUS A. STREIPS
Reg. No. 58,524
Attorney for Applicants
(845) 359-7700

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NOTARO & MICHALOS P.C.
100 Dutch Hill Road, Suite 110
Orangeburg, New York 10962-2100
Customer No. 21706